

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

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In Re:) Case No. 19-30088
PG&E CORPORATION AND PACIFIC) Chapter 11
GAS AND ELECTRIC COMPANY) San Francisco, California
Debtor.) Tuesday, July 12, 2022
) 10:00 AM
)

REORGANIZED DEBTORS' ONE
HUNDRED FIFTEENTH OMNIBUS
OBJECTION TO CLAIMS (NO
LIABILITY RECATEGORIZED
CLAIMS) FILED BY PG&E
CORPORATION [12173]

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE DENNIS MONTALI
UNITED STATES BANKRUPTCY JUDGE

APPEARANCES (All present by video or telephone):

For the Debtor: DARA L. SILVEIRA, ESQ.
Keller Benvenutti Kim LLP
650 California Street
Suite 1900
San Francisco, CA 94108
(415)496-6723

Also Present: Martin J. Adame, claimant

Court Recorder: LORENA PARADA/ ANKEY THOMAS
United States Bankruptcy Court
450 Golden Gate Avenue
San Francisco, CA 94102

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transcript provided by transcription service.

1 SAN FRANCISCO, CALIFORNIA, TUESDAY, JULY 12, 2022, 10:00 AM

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3 (Call to order of the Court.)

4 THE CLERK: Court is now in session, the Honorable
5 Dennis Montali presiding. Calling the matter of PG&E
6 Corporation.

7 THE COURT: Good morning everyone on the call. This
8 is Judge Montali. It appears that Mr. Martin Adame is on the
9 phone.

10 Are you there, Mr. Adane or Adame?

11 MR. ADAME: Yes, I am, sir.

12 THE COURT: I may have your name incorrect. I see it
13 spelled one way in one place and the other device --

14 MR. ADAME: Yeah.

15 THE COURT: Is it A-D-A-M, as in Mary, E, Adame?

16 MR. ADAME: Yes. Yes, it is, sir. It's Martin J.
17 Adame.

18 THE COURT: For some reason, your name is showing up
19 with a different spelling on the screen here. Well, what PG&E
20 has reported to me is you haven't responded to its inquiries
21 about the fires that you -- or claims you have based upon the
22 Ferguson fire. Am I correct you assert your claims based upon
23 PG&E's involvement in what is described as the Ferguson fire?

24 MR. ADAME: Yes, sir. I was in the hospital the day
25 before, and when I got out of the hospital with a broken back,

1 I was told to evacuate my trailer, and I had a trailer by one
2 of the state parks. And then when I was told to do so, I did.
3 I went to Red Cross and signed in as an evacuee, like I was
4 told to do so. And then when I went back, what wasn't burnt
5 was stolen. And so it was just me and my son and four dogs.
6 And so I came back, with literally nothing, to the Bay Area.
7 And that's what I was told, and that's what I reported to --

8 THE COURT: No, I understand. And I'm sure that was a
9 horrible experience. But what PG&E is pointing out in the
10 papers presented to the Court is that it wasn't responsible for
11 that fire. Do you have any reason to establish and know
12 that -- to make you think that PG&E it caused that fire?

13 MR. ADAME: Yeah. When I was told to evacuate by Cal
14 Fire at the time, when I was told to go to the evacuation
15 center in Mariposa, I was told that PG&E was -- one of their
16 power lines had went down, and it was what had started the
17 fire. And so dealing with Cal Fire was what I was instructed
18 to do. So when I left, I did exactly as they told me to do, to
19 go and sign in at the evacuation center in Mariposa County,
20 which I think I was the first -- third person to do that,
21 because I was in a trailer by the state park.

22 And Cal Fire was the one who informed me that it was
23 one of their power lines and for me to go and do what I had to
24 do in order to make everything right was to go to the
25 evacuation center. And so I did so, by word of mouth, by them

1 being told to get out.

2 THE COURT: Okay. But PG&E's filing suggested that it
3 has evidence that the fire was caused by a vehicle not owned by
4 PG&E, and that it's not responsible for the fire. Do you have
5 any reason, any basis to prove that it is responsible, not what
6 someone told you when you were evacuating, but some other
7 independent proof or indication that why you believe PG&E was
8 liable?

9 MR. ADAME: Well, the thing was, at the time, like I
10 said, sir, when I got out of the hospital, I literally just got
11 discharged for my broken back from falling from a building.
12 When I was going to my trailer, there was a sheriff and Cal
13 Fire, and they both were ones that were -- I mean, it was
14 speculation on their part, or whatever it was, but they're the
15 ones -- what I heard was that it was a PG&E power line that
16 went down, and for me to go to the evacuation center. And so I
17 can let --

18 THE COURT: I don't quite --

19 MR. ADAME: -- the county know --

20 THE COURT: Sir, Mr. Adame, I don't question that it
21 was speculation on their part. But that was some years ago,
22 right?

23 MR. ADAME: Oh, yeah.

24 THE COURT: That was some -- okay, but since then,
25 have you come on to anything that shows you, that can show me

1 that PG&E was, in fact, responsible for the fire that caused
2 you the damage?

3 MR. ADAME: All I can -- all I can do is, to show
4 proof, like you said, sir, is that, well, by word of mouth, by
5 them. But then by going on the -- on the news and hearing just
6 news of when I was instructed not to go back until it was a
7 hundred percent contained, by word of mouth, by news and
8 everybody else, saying that it was actually PG&E that started
9 that fire.

10 THE COURT: Okay.

11 MR. ADAME: And their power line because it was a hot
12 summer. That's all I know, sir.

13 THE COURT: Let me ask the lawyer. There are various
14 lawyers on the call here representing PG&E. Who's going to
15 speak for the company? Is that Ms. Staubert (ph.) or someone
16 else?

17 MS. SILVEIRA: No. Good morning. This is Dara
18 Silveira from Keller Benvenutti Kim, on behalf of the
19 reorganized debtors.

20 THE COURT: Okay. And do you have a response?

21 MS. SILVEIRA: Yes, sir, two points. The first is
22 just to clarify the record, since we last -- since we filed the
23 reply brief. I did speak with Mr. Adame last Thursday. In the
24 reply we indicated we'd left voicemails but hadn't heard from
25 him. He and I were able to connect on Thursday, and we had a

1 conversation very similar to the evidence -- or excuse me to
2 the presentation Mr. Adame just made to you.

3 Second, with the request for judicial notice in
4 support of the omnibus objection, we submitted the USDA Forest
5 Service report showing that the Ferguson fire had been caused
6 by a non-PG&E vehicle.

7 In the course of our investigation, we didn't come
8 across any publicly available, judicially noticeable sources
9 stating otherwise. That's certainly not to discount what the
10 word of mouth might have been. But PG&E would submit that
11 there's not evidence to the contrary, and that Mr. Adame hasn't
12 met his burden, and therefore the claim should be disallowed.

13 THE COURT: Mr. Adame, did you have a chance to look
14 at the Forest Service report that Ms. Silveira just referred
15 to?

16 MR. ADAME: You know, we talked, like she said. But
17 as far as the report, I've been in and out of the hospital with
18 Type 2 diabetes, so I haven't got no paperwork. I was out of
19 the area in Sonora helping a friend out, and so being out
20 there, I had to go to the hospital out there a couple -- one
21 time and coming back home here to Newark, that's where I got
22 basically all my paperwork, which she sent me for the via (ph.)
23 conference and another one of what's going on. But
24 everything -- everything other than that, no, sir. I mean --

25 THE COURT: Okay. But --

1 MR. ADAME: I didn't get -- I didn't get no report.

2 THE COURT: I understand you. Well, you haven't had a
3 chance to review it, but if the report says that the U.S.
4 Forest Service reported that the cause was a non-PG&E vehicle,
5 that's much more persuasive than what you call a speculation.
6 I don't question -- I don't doubt you that someone said that.
7 And at the time that the fire occurred, when you were being
8 evacuated and suffering, I'm sure a horrible experience,
9 someone says it's probably a PG&E power line; I don't question
10 that.

11 But time has passed and now PG&E, through its lawyers,
12 have established some pretty persuasive indication that the
13 U.S. Forest Service has determined otherwise. And unless you
14 have something more concrete than speculation from the time of
15 the fire, there's really no basis to have your claim survive.

16 MR. ADAME: Well, you know, the thing is, though, the
17 only thing that I do have going for me is that I evacuated and
18 I was told -- like you said, beside the speculation, that I did
19 sign up at the evacuation center and I was probably number two
20 or three, and I was served with a burger and a blanket. But
21 being doing so, I mean, speculation is one thing, but I mean, I
22 literally lost everything that I worked for and I --

23 THE COURT: Again, sir, I understand that. And I'm
24 not making light of that. The problem is, when the fire occurs
25 and something happens, and people are fearful for their lives

1 and the loss of their property, and their dogs, and their
2 property, their car, and truck, and everything --

3 MR. ADAME: Yeah.

4 THE COURT: -- and you probably could smell the smoke,
5 if not see the flames. And someone says it's a PG&E power
6 line. That's not -- no one doubts what you experienced.

7 MR. ADAME: Yeah.

8 THE COURT: But subsequent to that, the U.S. Forest
9 Service has made their report.

10 MR. ADAME: And the --

11 THE COURT: I --

12 MR. ADAME: The U.S. Forest Service did say, but it
13 was Cal Fire and the Mariposa sheriffs that were the ones that
14 yielded me out and told me that was what the situation was. So
15 maybe you're going by the word of mouth of, you know, a police
16 officer, or somebody working for the fire, which is Cal Fire.
17 I heeded so, and that's why I bailed out, and right away signed
18 up in the Mariposa County to have records, you know,
19 established that what I'm saying is true to the fact. And it
20 is.

21 THE COURT: I understand what you're saying. And
22 again, I want to repeat, I don't doubt anything you said. But
23 I have to make a decision based upon the best evidence. And
24 the best evidence is what has been submitted, in terms of the
25 Forest Service report, not what someone said to you at the time

1 when the events were occurring.

2 So I really don't have any option here. Again, I
3 don't doubt it, and PG&E isn't wishing you any ill will. The
4 question is they can't be held to pay for something they didn't
5 cause. So I'm going to sustain the PG&E objection to your
6 claims and disallow them.

7 I'm sorry about the outcome for you at a personal
8 level. It certainly sounds like a horrible experience for you.
9 But I can't take that and ignore what the record reflects. So
10 I appreciate your --

11 MR. ADAME: I wish I had --

12 THE COURT: -- participation. Pardon me?

13 MR. ADAME: I wish I had other paperwork or some other
14 kind of --

15 THE COURT: I can assure you, if you had something
16 more, obviously PG&E has admitted liability for other fires.
17 All I can say is I'm sorry that you suffered a loss in any
18 fire.

19 MR. ADAME: Yeah.

20 THE COURT: But because the loss that you suffered was
21 not caused by a fire caused by PG&E, I can't sustain your
22 claim.

23 So again, on a personal level, I'm sorry that you
24 suffered that loss and can't be compensated here, but the law
25 doesn't give me any choice here. I'm going to therefore

1 sustain the objections to the claims that you filed and
2 disallow them.

3 So thank you for participating. I appreciate your
4 involvement.

5 Is there anyone else on this call on one of the PG&E
6 claims objections, particularly anyone on behalf of Steven
7 Richards (ph.). Is Steven Richards, or someone representing
8 his interest, on this call?

9 Well, the only other claim -- and is there anyone on
10 the call representing the interest of Andrew Walters (ph.)?

11 All right. Andrew Walters is a claimant whose claim
12 was also on this calendar, but has been continued to a later
13 date.

14 There's no appearance by Steven Richards on behalf of
15 his informal claim -- or on the docket, rather, and his
16 response in claim number 5548. And I've reviewed that
17 response, and it appears that there's no basis to establish any
18 liability to Mr. Richards.

19 So I'm going to sustain PG&E's objection to Mr.
20 Richards claim, as well, and ask PG&E's counsel to submit forms
21 of orders that disallow the claims of Mr. Adame and Mr.
22 Richards for the reasons stated on this record.

23 Is there anyone else who wishes to be heard on the
24 call this morning?

25 There are a number of people whose names I don't

1 recognize or have not identified themselves. So speak up if
2 you wish to be heard.

3 All right. Hearing no one, I'll go ahead and conclude
4 the matter, and court's adjourned.

5 (Whereupon these proceedings were concluded at 10:12 AM)

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Mr. Adame's claim is sustained.

Reorganized debtors' objection to

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Mr. Richard's claim is sustained

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C E R T I F I C A T I O N

I, Sharona Shapiro, certify that the foregoing transcript is a true and accurate record of the proceedings.

Sharona Shapiro

/s/ SHARONA SHAPIRO, CET-492

eScribers

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Date: July 13, 2022

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